

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6699**

**BILL NUMBER: SB 210**

**NOTE PREPARED: Jan 29, 2010**

**BILL AMENDED: Jan 28, 2010**

**SUBJECT:** Local Officer Impeachment; County Contractor Claim.

**FIRST AUTHOR:** Sen. Gard

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Impeachment of Local Officer-* The bill restates and amends the procedure for impeaching a local officer who has: (1) charged and collected illegal fees for services rendered or to be rendered by the local officer; (2) refused to perform or knowingly violated state law in connection with the performance of official duties pertaining to the local officer's office; or (3) for a local officer who is the executive of a township, failed to perform certain duties.

*Expedited Hearing-* The bill provides for an expedited hearing of a taxpayer's contest of a claim filed in a circuit court by a contractor employed by the county executive.

*Misdemeanor Repealed-* The bill removes a provision that provides that a member of the county executive who recklessly employs a county contractor or fails to file the contractor's contract with the circuit court commits a Class C misdemeanor and forfeits the executive's office.

*Repealer-* The bill repeals a provision concerning the impeachment of a local officer.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Misdemeanor Repealed-* A local official in violation of contract employment law, as amended by the bill, would no longer be charged with a Class C misdemeanor. If fewer court cases occur and fines are not collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would decrease. The maximum fine for a Class C misdemeanor is \$500.

However, any revenue reduction would likely be small.

*Expedited Hearing-* See *Explanation of Local Revenues*.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Impeachment of Local Officer-* This provision could increase the amount of judgement money awarded to a county prosecutor. Under current law, the amount awarded for a successful prosecution in an impeachment proceeding is \$500. The bill would allow the compensation to the prosecutor to be “for costs of the hearing incurred and documented by the prosecutor.” If the costs exceeded \$500, local revenues would increase. If county prosecutors were able to recoup their entire expenses, more cases of impeachment may be pursued.

*Expedited Hearing-* It is unknown if this provision would increase the number of complaints filed by taxpayers. However, if the provision’s effect were to increase complaints, court fee revenues would increase.

*Misdemeanor Repealed-* If fewer court actions occur, local governments would receive less revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.